



## **SUB-COMMITTEE REPORT**

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### **Discussion and Direction to San Juan Hills Sub-committee Regarding Their Role in Reviewing Alternative Development Options for Private Property in the San Juan Canyon**

#### **Honorable Mayor and Council Members**

##### **Background**

Since the re-establishment of the San Juan Hills Sub-committee on October 21, 2003, its members – Council members Feierbach and Mathewson – have met twice with City staff. The purpose of these meetings was to help us identify (with staff) what issues are raised when alternative development agreements are proposed by private property owners. We also reviewed the applicable Property Development Standards sections of the Municipal Code and explored how the City and the Sub-committee might approach any specific proposal. (As the Council is aware, one proposal has already been presented in draft terms to the Council by Mr. Scott Piazza.)

At this time, the Sub-committee believes that further direction and clarification are needed from the Council. The initial mandate given to the Sub-committee was to identify the land use issues raised by any proposal. We now believe that one of the most efficient ways to achieve this is to work with the proponent in a series of ‘negotiations’. That is, the sub-committee and staff would work with the proponent to identify a draft proposal that has the potential to satisfy the wants and needs of both sides. However, we do not at this time believe that the Council has given such negotiating authority to the Sub-committee or staff. We are seeking the Council’s guidance in this matter and in the specific negotiating principles that the Council would want preserved in any draft proposal.

##### **Negotiations**

If the Council allows the Sub-committee and staff to negotiate with a property owner, a draft proposal would be developed for review by the entire Council prior to any environmental review, public hearing or final action. (The staff involved with this effort would be the City Attorney, and Planning and Community Development Director, with the City Manager, Public Works Director and others involved, as needed.) The Sub-committee and staff would explore with the proponent various options, trade-offs, features and controls that would achieve the City’s greatest interest while allowing the proponent to achieve their objectives. The Sub-committee could meet

separately with staff as needed. Of course, no action could be taken at any of these meetings – only the City Council – meeting in accordance with the Brown Act – could finalize any agreement. As part of this arrangement, the Council would be kept informed of progress through occasional updates from the Sub-committee, and by confidential City Attorney memos, when appropriate.

It may be necessary during the course of negotiations to obtain additional legal or other advice. The Sub-committee requests that it be allowed to spend up to \$1000 from the City Council's contingency fund for such services. (Any additional expenditure would be subject to prior approval of the City Council.)

### **City Principles**

If the Council allows the Sub-committee to develop a draft agreement with a property owner, it is appropriate that the Council also set the parameters for the City's negotiating position. The Sub-committee believes the following principles could be the basis for Council direction on negotiations:

- Maximize open space,
- Maximize preservation of flora, fauna and environmental conditions,
- Locate any new development adjacent to existing development,
- Assure outstanding site planning and design,
- Allow flexibility on floor area limits in exchange for reductions in density,
- Allow flexibility in the width and locations of driveways and roads to minimize impacts,
- The developer pays direct costs associated with processing an alternative agreement,
- Assure the agreement provides long-term protections, and
- Maintain the spirit and intent of the San Juan Hills Area Plan.

If approved by council, these principles would be used by the Sub-committee and staff to craft a possible agreement.

**Fiscal Impact:** Up to \$1000 may be spent from the Council Contingency Fund. There are sufficient funds the account for this purpose.

**Recommendation:** The Sub-committee recommends that the City Council allow the Sub-committee and staff to enter into negotiations with any proponent of alternative development schemes in the San Juan Hills, such that a draft agreement might be developed, subject to the principles outlined in this memo.

Respectfully submitted,

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Coralin Feierbach  
Council Member

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Phillip E. Mathewson  
Council Member